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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/681,690

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Takayuki Sato

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28017

7590

02/26/2003

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JAPAN

EXAMINER

SUN, XIUQIN

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,690

Applicant(s)

SATO, TAKAYUKI

Examiner

Xiuqin Sun

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-25 is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 7 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Carleton (U.S. Pub. No. 20010044840 A1)

Carleton teaches a network monitoring apparatus, method and computer program for displaying a state of a network and monitoring said network (see Abstract and Fig. 1), comprising: a setting unit and module operable to set a display condition that defines information to be displayed (section 51, lines 2-9; section 56; section 58, lines 8-17; section 78; section 82; section 84 and section 87); a receiving unit and module operable to receive information of said network (section 50, lines 1-7); a comparing unit and module operable to compare said received information with said display condition (section 53; section 54; section 62, lines 1-3; and section 78); and a display unit and module operable to display said information of said network based on a

result of the comparison by said comparing unit and module (Figs. 12-13 and 21-26; sections 84-87).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-6, 8-12 and 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carleton in view of Shurmer et al. (U.S. Pat. No. 5974237).

Carleton teaches a network monitoring apparatus, method and computer program for displaying a state of a network and monitoring said network that includes the subject matter discussed above.

Carleton does not mention explicitly: said setting unit/module further sets a receiving condition that defines information to be received, and said receiving unit/module receives said information of said network based on said receiving condition; said setting unit/module further sets an indication image corresponding to said display condition, and said display unit/module displays said information of said network based on said indication image; said receiving unit/module receives a communication state of an interconnecting unit that interconnects communication devices in said network from said interconnecting unit; said interconnecting unit includes a plurality of connection

ports; said receiving unit/module receives communication states of said plurality of connection ports from said interconnecting unit as said information of said network; said receiving unit/module receives the amount of communication at a connection port of said interconnecting unit from said interconnecting unit as said information of said network; a network communication device operable to notify said network monitoring apparatus of said state of said network.

Shurmer et al. teach a method and system for monitoring a communication network (see abstract and Fig. 4), including: a signal management layer (Figs. 4, 6, and Figs. 8-9) comprising a setting unit and module that sets a receiving condition that defines information to be received, and a receiving unit and module that receives said information of said network based on said receiving condition (col. 11, lines 12-18; col. 17, lines 52-67 and col. 18, lines 1-13); said setting unit and module further sets an indication image corresponding to said display condition, and said display unit and module displays said information of said network based on said indication image (col. 6, lines 42-56 and col. 16, lines 20-67); said receiving unit and module receives a communication state of an interconnecting unit that interconnects communication devices in said network from said interconnecting unit (Figs. 1 and 4; col. 5, lines 56-67; col. 12, lines 11-34; col. 19, lines 18-39; col. 24, lines 17-67 and col. 25, lines 36-62); said interconnecting unit includes a plurality of connection ports (see Figs. 4, 6, 9; col. 8, lines 25-29 and col. 11, lines 12-28), said receiving unit and module receives communication states of said plurality of connection ports from said interconnecting unit as said information of said network (col. 11, lines 12-28; col. 24, lines 17-67 and col. 25,

lines 36-62); said receiving unit and module receives the amount of communication at a connection port of an interconnecting unit from said interconnecting unit as said information of said network (col. 24, lines 23-42). Shurmer et al. further teach a network communication device operable to notify a network monitoring apparatus of a state of said network (col. 17, lines 46-67; col. 18, lines 1-12 and lines 32-45).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teachings of Shurmer setting unit/module, receiving unit/module, and the means for notifying said monitoring apparatus of a state of said network in the Carleton system in order to provide a more user-friendly method and system for monitoring a network which allows the user to easily identify individual network elements or conditions by creating a visual display on a visual display unit (Shurmer et al., col. 6, lines 41-56).

Allowable Subject Matter

5. Claims 22-25 are allowed.

Reasons for Allowance

6. The following is an examiner's statement of reasons for allowance:

Independent claims 22-25 contain allowable subject matter. None of the prior art of record shows or fairly suggests the claimed invention.

Specifically, prior art fail to teach the claimed setting unit which sets a display condition and said display condition indicates a plurality of states of an interconnecting

unit, said setting unit selecting at least one state from the plurality of states or rearranging an order of the plurality of states to define said information to be displayed.

It is this limitation as it is claimed in the combination, which has not been found, taught or suggested by the prior art of record, that makes these claims allowable over the prior art.

Response to Arguments

7. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

With respect to Claims 1-21, Applicant's arguments filed 1/31/03 have been fully considered but they are not persuasive. New grounds have been found from the teaching of Carleton for motivating or suggesting a comparing unit and module operable to compare said received information with said display condition. For detailed response, please refer to sections 1-2 set forth above in this Office Action.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiuqin Sun whose telephone number is (703)305-3467. The examiner can normally be reached on 7:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (703)308-3126. The fax phone numbers

Art Unit: 2863

for the organization where this application or proceeding is assigned are (703)872-9318 for regular communications and (703)872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

XS

February 19, 2003


John Barlow
Supervisory Patent Examiner
Technology Center 2800